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**BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES**

Application Number: 10/074,786

Filing Date: February 12, 2002

Appellant(s): MORIMOTO ET AL.

John Vodopia
For Appellant

EXAMINER'S ANSWER

This is in response to the appeal brief filed 2/21/2008 appealing from the Office action mailed 11/2/2007.

(1) Real Party in Interest

A statement identifying by name the real party in interest is contained in the brief.

(2) Related Appeals and Interferences

The examiner is not aware of any related appeals, interferences, or judicial proceedings which will directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal.

(3) Status of Claims

The statement of the status of claims contained in the brief is correct.

(4) Status of Amendments After Final

The appellant's statement of the status of amendments after final rejection contained in the brief is correct.

(5) Summary of Claimed Subject Matter

The summary of claimed subject matter contained in the brief is correct.

(6) Grounds of Rejection to be Reviewed on Appeal

The appellant's statement of the grounds of rejection to be reviewed on appeal is correct.

(7) Claims Appendix

The copy of the appealed claims contained in the Appendix to the brief is correct.

(8) Evidence Relied Upon

Gerace 5,848,396 Dec-1998

(9) Grounds of Rejection

The following ground(s) of rejection are applicable to the appealed claims:

Claims 3-5, 24, 31 are rejected under 35 U.S.C. 102(b) as being anticipated by Gerace (5,848,396).

Claims 3, 24, 31: Gerace discloses a content registration/management system comprising:

content registration request reception means, for receiving a request for content registration from a content provider that provides content (Figures 5a-5d; col 3, lines 4-20); identifier provision means, for setting an identifier, based on said request that is received, to be added to said content that is to be provided a user terminal, and for providing said identifier to a content provider (col 17, lines 52-col 18, line 10; col 6, line 57-col 7, line 23); and

a content ledger database, for storing information related to said identifier provided said content provider (col 33, lines 35-col 34, line 27).

As noted in the citations above, Gerace discloses that ad packages are identified, ad series are identified. Gerace also discloses that individual ads are placed in a table (Fig. 5d). Gerace also discloses that individual ads are tracked, performance data for each ad is tracked and reported, and the analysis of the performance of individual ads (col 18, lines 10-26; col 18, lines 50-col 19, line 5; col 5, lines 25-40; claims 9 and 13). Therefore, individual ads are also given

identifiers. Identifiers would be necessary for each ad in order to store, track, report, compare, analyze the ads and the ad performance.

Also, Examiner notes that Gerace discloses that advertisements are a form of content or aggregate information (col 2, lines 60-67).

Claim 4: Gerace discloses the content registration/management system according to claim 3, further comprising:

identifier reception means, for receiving from a user terminal an identifier provided for said user terminal (col 6, line 57-col 7, line 24); and

content reproduction information collection means, for collecting, based on the reception of said identifier, information related to the reproduction of content (col 6, line 57-col 7, line 24; col 33, lines 35-col 34, line 27).

Claim 5: Gerace discloses the content registration/management system according to claim 4, further comprising:

an advertisement ledger database for registering a list of contents that can be used as advertisement media (Figures 2, 3a); and

notification means for searching said advertisement ledger database based on said received identifier, and for transmitting an advertisement distribution request to an advertiser (Figures 2, 3a; col 20, lines 9-30; col 16, lines 45-55; col 33, lines 35-col 34, line 27).

(10) Response to Argument

Examiner notes that the prior art anticipates the features of the Appellant's independent claim 3.

In reference to independent claim 3, Gerace anticipates:
content registration request reception means, for receiving a request for content registration from a content provider that provides content (col 17, lines 51-67, note that Gerace's Sponsor can enter and register new content through the Gerace system, "the ad content and information are stored in the Ad Objects"; Figure 3a);

identifier provision means, for setting an identifier, based on said request that is received, to be added to said content that is to be provided a user terminal, and for providing said identifier to the content provider (Figures 5a-5d; claims 7, 13, "for each advertisement"; col 12, lines 7-22, billing for each advertisement based on the performance of each advertisement; notice that each advertisement is stored in a database and that each advertisement is uniquely tracked and billed for); and

a content ledger database, for storing information related to said identifier provided said content provider (col 17, lines 53-67, "the ad content and information are stored in the Ad Objects"; and Figure 2, Figures 5a-5d, and Figure 3a discloses the Ad Objects).

And, the preceding is apparent in light of the rejection above.

On page 7 of the Appellant's Appeal Brief dated 2/21/2008, Appellant states:
"Gerace does not disclose or even suggest a content registration/management system including content registration request reception means, for receiving a request for content registration from a content provider that provides content, identifier provision means, for setting an identifier, based on said request that is received, to be added to said content that is to be provided a user terminal, and for providing said identifier to a content provider and a content

ledger database, for storing information related to said identifier provided said content provider. .

. Nowhere do Figs. 5a-5d show or even suggest appellant's element comprising content registration request reception means, for receiving a request for content registration from a content provider that provides content.”

On page 8, Appellant states, “Nowhere within the cited Gerace text is found appellants' identifier provision means, for setting an identifier, based on said request that is received, to be added to said content that is to be provided a user terminal, and for providing said identifier to a content provider.”

However, Gerace discloses that the Sponsor logs in and then registers content with the system (col 17, lines 51-67) and what information is provided in content registration (Figures 5a, 5b, 5c, 5d). Also, Gerace discloses the general network structure thru which Sponsors login and register new content with the system (Figure 3a).

Furthermore, Examiner notes that it is the Applicant's claims as stated in the Applicant's claims that are being rejected with the prior art. Also, although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993). And, Examiner notes that claims are given their broadest reasonable construction. See *In re Hyatt*, 211 F.3d 1367, 54 USPQ2d 1664 (Fed. Cir. 2000).

And, the claims do not state that “the identifier is in the content”. Rather, the claims state that an identifier is set and that an identifier is added to the content. Where or how the identifier is added to the content is not specified.

Also, Examiner notes that it is not stated whether the content identifier is unique to each piece of content or is unique to the Sponsor. For example, an identifier can be unique to the Sponsor and then the Sponsor identifier can be placed with each piece of content in order to identify the content (Interpretation I). Or, a unique identifier can be made for each piece of content (Interpretation II). The claims merely state that there is an identifier related to the content.

Firstly, please note that Gerace's Sponsor is also a content provider. Examiner notes that Gerace discloses that advertisements are a form of content or agate information (col 2, lines 60-67 , "the agate information includes stock information, advertisements, sports statistics, weather reports and the like"). Hence, in Gerace, the features that apply to content/agate information also apply to advertisements and vice versa. Hence, Gerace's Sponsor who sponsors advertisements can also be a content provider.

Interpretation I

And, as to the claim interpretation above where an identifier can be unique to the Sponsor and then the Sponsor identifier can be placed with each piece of content in order to identify the content, Gerace disclose these features.

Gerace discloses that a unique identifier can be provided to identify the Sponsor and then the identifier placed with each piece of content in order to identify the content. Gerace discloses that each Sponsor/content provider is given a unique identifier:

"When a company (sponsor) opens an account with the program administer, the program administrator obtains sponsor information and forms a corresponding Sponsor Object 33a" (col 17, lines 55-65); and,

“For each sponsor (or advertiser), a corresponding Sponsor Object 33a (FIG. 5a) stores in a table (or sponsor directory) the company name, numeric identification unique to that sponsor, user contact information and program 31 administrator contact information (col 11, line 64-col 12, line 2).

Gerace further discloses that the Sponsor registers new ad content (col 17, lines 51-67).

And, Gerace further discloses that the Sponsor identifier can be assigned to the piece of content and, hence, the identifier can be used for identifying that piece of content (Fig. 5b and following citation):

“In each Ad Package Object 33b (FIG. 5b) there is indicated the sponsor ID” (col 12, lines 9-12).

Hence, every ad in Gerace has an associated Sponsor ID. And, every Sponsor ID is uniquely given to a Sponsor.

Hence, Gerace discloses the interpretation of the claims where a unique identifier can be provided to identify the Sponsor and then the identifier placed with each piece of content in order to identify the content.

Interpretation II

Alternatively, Gerace anticipates the interpretation of the claims where a unique identifier can be provided for each and every piece of content.

And, Gerace discloses that new ads are placed (col 18, lines 35-50; col 19, lines 25-37; col 19, lines 47-55) and that Sponsors register new ads/content (col 17, lines 53-67). Note that Gerace discloses tracking/recording/monitoring each individual advertisement (“[Claim] 7. Apparatus as claimed in claim 5 wherein the advertising component further records history of

users viewing the advertisements, including for each advertisement, at least one of (i) number of times viewed by a user, (ii) number of times selected for further information, and (iii) number of times a purchase was obtained through the advertisement”). And, note that a new content/ad necessitates an identifier in order to track/record/monitor the new ad. Gerace also discloses that individual ads are placed in a table (Fig. 5d). Also, note that in the table for Figure 5d that each record is a different ad and that it is standard database practice that each record in a table is uniquely identified. Also, note that Gerace can bill the Sponsor by how many times each individual ad was viewed or clicked or an order is placed thru (col 12, lines 7-22). Gerace further discloses that individual ads are tracked, performance data for each ad is tracked and reported, and the performance of individual ads is analyzed (claim 13, “with respect to each advertisement”; col 18, lines 10-26; col 18, lines 50-col 19, line 5; col 5, lines 25-40). And, Gerace discloses that individual ads are recorded for number of times viewed, number of times selected, number of times purchased from (col 2, lines 35-42; claim 7). Hence, individual ads are given identifiers. Identifiers are necessary for each ad in order to store, track, report, compare, analyze the ads and the ad performance. Hence, Gerace anticipates the above features.

Additionally, Gerace discloses that each item of content presented to the user is identified (col 6, line 67-col 7, line 2, “identification of item selected by user”; col 7, lines 4-10, “Specifically, User Viewing History Object 37f records an item identification”). So, Gerace further discloses that each content item is uniquely identified.

Additionally, Gerace discloses that each Advertisement is given a “series ID” and a “series sequence” (Figure 5d). And, the combination of “series ID” and “series sequence” uniquely identifies each advertisement.

Hence, Gerace discloses that advertisements are a form of content. And, Gerace discloses that Sponsors can add and register new advertisements/content. And, Gerace discloses that each ad can be identified by the unique id that was given to a Sponsor. Or, Gerace discloses that each piece of content is tracked for when it is presented and how the content is interacted with by the user (ads are recorded for number of times viewed, number of times selected, number of times purchased from - col 2, lines 35-42; claim 7). Hence, Gerace in detail discloses unique registration for content and unique identifiers and identifying of content thru the range of content registration, content presentation to the user, content response by the user, and content billing.

Hence, Gerace anticipates these features of the Appellant’s claims.

On page 8, Appellant further states, “no part of which can, with all due respect, can be considered the same or the equivalent of appellants’ claimed content ledger database, for storing information related to said identifier provided said content provider.”

However, Examiner notes that Appellant’s claim 3 states minimal features about the ledger database. And, Examiner notes that Appellant’s Figures 3 (3a and 3b) and paragraphs ([13, 15, 16]) describe the ledger database. And, Examiner notes that Appellant’s ledger database is a database indexed by identifier for different content and advertising. And, Gerace discloses a database of available content and advertising (Figure 2, Figure 2 items 71, “Agate Data Assembly” and item 75, “Ad Module”; Figure 5D; col 2, line 60-col 3, line 3). And, Gerace further discloses that ad content is stored in a database (col 17, lines 53-67, “the ad

content and information are stored in the Ad Objects"; and Figures 5a-5d, Figure 2, and Figure 3a discloses the Ad Objects). And, as noted above, Gerace discloses that the different advertising each have an identifier for tracking and recording purposes. Hence, Gerace discloses a database utilizing identifiers for content and advertising.

Additionally, Gerace further discloses an indexed database of content, "Although many types of agate are traditionally found in publications (e.g., newspapers, magazines, and books), all agate can be placed into large indexed databases. Because agate is non-linear reference material, it is often more efficient to search for agate in a database, than to scan columns of a newspaper" (col 1, lines 23-30). And, Gerace discloses that agate includes a wide variety of content including both content and advertisements, "the agate information includes stock information, advertisements, sports statistics, weather reports and the like" (col 2, lines 62-66).

Hence, Gerace anticipates a database utilizing identifiers for content and advertising.

Hence, Gerace anticipates the features of the Appellant's claims.

Also, the following prior art made of record and not relied upon is considered pertinent to applicant's disclosure: a) McElfresh (2003/0149937) discloses tracking individual advertisements which are given identifiers (Abstract; fig 3a, 3b); b) Merriman (5,948,061) discloses tracking individual advertisements which are given identifiers (Fig 3b).

(11) Related Proceeding(s) Appendix

No decision rendered by a court or the Board is identified by the examiner in the Related Appeals and Interferences section of this examiner's answer.

For the above reasons, it is believed that the rejections should be sustained.

Respectfully submitted,

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3/19/2008

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